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C O N F I D E N T I A L SECTION 01 OF 02 MUSCAT 001035

SIPDIS
STATE FOR NEA/ARP AND G/TIP

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TAGS: PREL KTIP MU
SUBJECT: OMAN TIP INTERIM ASSESSMENT

REF: A. STATE 112489; B. MUSCAT 897; C. MUSCAT 973; D. MUSCAT 993
E. MUSCAT 997; F. MUSCAT 477; G. MUSCAT 1019; H. MUSCAT 403

CLASSIFIED BY: L. Victor Hurtado, Deputy Chief of Mission, Department of State, Embassy Muscat; REASON: 1.4(B), (D)

¶11. (U) This message is in response to Ref A. Answers are keyed to section G of Ref A.

¶12. (SBU) Please summarize the progress the Government of Oman has made in the following areas:

(a) increasing investigations and prosecutions of trafficking crimes and convictions and punishment of trafficking offenders

Oman reported a second Trafficking in Persons (TIP) prosecution and conviction on September 6, resulting in a 10,000 Omani Rial (\$26,000) fine and seven years in prison for the two offenders (Ref B). Further, according to the Ministry of Manpower (MoM) and the Royal Oman Police (ROP), two additional TIP prosecutions are underway (Ref C, D).

(b) continuing the training of government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes

In early October, the GoO, in conjunction with the International Labor Organization (ILO), conducted a two-day workshop for twelve government agencies on TIP (Ref E). The ILO provided additional TIP specific training to the 68 new labor inspectors at the MoM. The ROP have provided training to their staff on the definition of trafficking and how to determine if an individual has been trafficked. The Public Prosecution is training prosecutors on Oman's anti-TIP law and how to properly gather evidence to prosecute a case under the law. The National Plan to Combat TIP (Ref C) gives specific training responsibilities to government agencies: The Public Prosecution will train on "Introduction to Anti-Trafficking Law" for all institutions, including the private sector. The ROP will train on "Recognition of Victims of Trafficking" for the Public Prosecution, ROP, MoM, and representatives of foreign labor employment offices. The MoM will train on "International Cooperation in Anti-trafficking" and "Difference between Trafficking of Persons and Labor Violations" for all concerned organizations.

(c) instituting formal procedures for identifying trafficking victims among women in prostitution and illegal migrants and transferring them to care facilities

In a November 15 meeting with Colonel Dr. Abdulla bin Ali al-Harthi, Director of Public Relations at the ROP, al-Harthi told the DCM and poloff that all illegal immigrants are questioned thoroughly by the ROP to determine the methods and routes used by the individuals to enter the country. Clearly knowledgeable about TIP definitions, al-Harthi stated that illegal immigrants who are smuggled to Oman are not trafficking victims, but victims of misleading recruitment, as the people bringing them to Oman do not intend to employ them here but merely "dump" them on the beach from small boats. Al-Harthi confirmed that the ROP members questioning

the illegal immigrants have had the proper training to identify whether a person has been trafficked. Al-Harthi noted that the first time someone is caught, they are treated as a victim (not of TIP, but of unscrupulous labor recruiters), and the GoO provides accommodation and food until the sending countries' embassies can document the workers. They are then returned home at GoO expense. However, if they are caught a second time, they will be prosecuted for illegally entering the country. He said that the GoO always prosecutes the organizers and boat captains, if caught.

(d) completing construction and beginning operation of a shelter that provides appropriate protection services to both labor and sex trafficking victims, including shelter and medical, psychological, and legal assistance

The Government of Oman has determined that a large, single, central shelter would not meet all the needs of the geographically large country. (Note: Travel by road from the southernmost city of Salalah to the capital in Muscat can take 15 hours. End Note.) The GoO is continuing to use the existing facility that was used for the first TIP prosecution (Ref F) for cases in Muscat. The ROP noted that they would also acquire additional shelter space, typically leasing private villas, as needed, to meet the ongoing demands in different regions. Al-Harthi cited a recent case where

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eight Uzbek women were intercepted off the coast of Oman (the smugglers got in a second boat and fled). The women were placed in the existing Muscat shelter and given food and medical care. The women chose to return home and the GoO paid to repatriate them. He noted that the women had previously worked in Dubai and were attempting to return there, but had to do so illegally as they had previously been deported from the UAE. These women were labor or economic illegal immigrants, and were cared for in the shelter system.

Oman continues to provide services, including medical, psychological and legal assistance to all victims of trafficking. The National Plan specifically outlines support responsibilities by government entity:

Public Prosecution - legal assistance including the appointment of a lawyer for the victims

ROP - accommodation, food and protection for victims and witnesses

Ministry of Social Development - social welfare, rehabilitation, integration into society and child care.

Ministry of Health - medical and psychological care - including treatment and medicines. Provides care for the following cases: injuries resulting from physical violence, malnutrition, infections, mouth and teeth injuries, gynecological checkups, pregnancy and mental assessment and provision of necessary care in the case of mental injuries resulting from physical, sexual or mental violence.

(e) enacting and enforcing penalties for employers who withhold their employees passports, as a measure to prevent labor trafficking

The MoM reported multiple cases of the MoM forcing an employer to return passports to an employee when the Ministry received a complaint about passport being held (Ref E) and at least four cases where the Omani courts forced the return of passports (Ref D). Labor inspectors are specifically inquiring about private companies' practices regarding the retention of passports and are insisting that companies follow existing legal guidelines which only allow an employer to hold an employee's passport if requested by the employee.

¶3. (SBU) Other significant developments: Oman's National Committee to Combat Human Trafficking (NCCHT) met on October 14 and announced the completion of the National Plan to Combat TIP, the creation of a website (www.ncchtooman.gov.om) and new TIP-specific hotline (ref C). Al-Harthi told us they have already received a number of

responses via the website. He indicated that the complaints were primarily labor related and were referred to the MoM who physically investigated every case. Thus far, the cases have not reflected trafficking, but other labor complaints, many of which were already in the process of being adjudicated through the judicial system. Al-Harthi also noted that the ROP insures that there is an awareness generating TIP-related article or announcement in the press each week. The NCCHT has also formed a secretariat to focus the efforts of the government to combat trafficking including the collection of data on TIP cases and the creation of an annual report on Oman's progress in combating trafficking. On November 3, in an effort to combat the "free visa" system, the government announced a new royal decree that tightens labor law, establishing tougher penalties for sponsors who do not properly fulfill their responsibilities (Ref G).

¶4. (C) Comment: Oman continues to make significant progress in its efforts to combat TIP and officials here show an increasingly sophisticated understanding of TIP definitions and further awareness of the importance of discussing this issue publicly. Although past reporting indicated that Oman was going to build a central shelter (Ref H), it appears that the GoO has decided that it is more practical to house victims in the localities where the cases occur. Further, there is not yet a sufficient volume of victims to warrant a central shelter. Oman's willingness to care not just for TIP victims, but also for immigrants who knowingly come to Oman illegally in order to work here or transit to Dubai confirms the seriousness with which the GoO takes its obligation to provide for expatriates who find themselves in difficult situations. End Comment.

Schmierer